

# INDIAN AFFAIRS: LAWS AND TREATIES

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[Home](#) | [Disclaimer & Usage](#) | [Table of Contents](#) | [Index](#)

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## PART III.—EXECUTIVE ORDERS RELATING TO INDIAN RESERVES.

[Arizona](#) | [California](#) | [Colorado](#) | [Idaho](#) | [Indian Territory](#) | [Iowa](#) | [Kansas](#) | [Michigan](#) | [Minnesota](#) | [Montana](#) | [Nebraska](#) | [Nevada](#) | [New Mexico](#) | [North Dakota](#) | [Oklahoma](#) | [Oregon](#) | [South Dakota](#) | [Utah](#) | [Washington](#) | [Wisconsin](#) | [Wyoming](#)

[Page Images](#)

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[\[Page 854\]](#)

### MONTANA

#### *Bitter Root Valley Reserve*

EXECUTIVE MANSION, *November 14, 1871.*

The Bitter Root Valley, above the Loo-lo fork, in the Territory of Montana, having been carefully surveyed and examined in accordance with the eleventh article of the treaty of July 16, 1855, concluded at Hell Gate, in the Bitter Root Valley between the United States and the Flathead, Kootenay, and Upper Pend d'Oreilles Indians, which was ratified by the Senate, March 8, 1859, has proved, in the judgment of the President, not to be better adapted to the wants of the Flathead tribe than the general reservation provided for in said treaty; it is therefore deemed unnecessary to set apart any portion of said Bitter Root Valley as a separate reservation for Indians referred to in said

[\[Page 855\]](#)

treaty. It is therefore ordered and directed that all Indians residing in said Bitter Root Valley be removed as soon as practicable to the reservation provided for in the second article of said treaty, and that a just and impartial appraisement be made of any substantial improvements made by said Indians upon any lands of the Bitter Root Valley, such as fields inclosed and cultivated, and houses erected; that such appraisement shall distinguish between improvements made before the date of said treaty and such as have been subsequently made.

It is further ordered that, after the removal herein directed shall have been made, the Bitter Root Valley aforesaid shall be open to settlement.

It is further ordered that if any of said Indians residing in the Bitter Root Valley desire to become citizens and reside upon the lands which they now occupy, not exceeding in quantity what is allowed under the homestead and pre-emption laws to all citizens, such persons shall be permitted to remain in said valley, upon making known to the superintendent of Indian affairs for Montana Territory, by the 1st day of January, 1873, their intention to comply with these conditions.

U. S. GRANT.

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*Blackfeet Reserve.*

[Occupied by Blackfeet, Blood, and Piegan tribes; area, 2,750 square miles; established by treaties of October 17, 1855, July 18, 1866, and July 13 and 15 and September 1, 1868 (unratified), and act of April 15, 1874 (18 Stat., 28), and act of May 1, 1888 (25 Stat., 129).]

DEPARTMENT OF THE INTERIOR,  
*Office of Indian Affairs, July 2, 1873.*

The above diagram is intended to show a proposed reservation for the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and other Indians in the Territory of Montana. Said proposed reservation is indicated on the diagram by yellow colors, and is described as follows, viz:

Commencing at the northwest corner of the Territory of Dakota, being the intersection of the forty-ninth parallel of north latitude and the one hundred and fourth meridian of west longitude; thence south to the south bank of the Missouri River; thence up and along the south bank of said river to a point opposite the mouth of Medicine or Sun River; thence in a westerly direction, following the south bank of said Medicine or Sun River, as far as practicable, to the summit of the main chain of the Rocky Mountains; hence along said summit in a northerly direction to the north boundary of Montana; hence along said north boundary to the place of beginning, excepting and reserving therefrom existing military reservations.

I respectfully recommend that the President be requested to order that the lands comprised within the above-described limits be withheld from entry and settlement as public lands, and that the same be set apart as an Indian reservation, as indicated in my report to the Department of this date.

**EDWARD P. SMITH**, *Commissioner.*

DEPARTMENT OF THE INTERIOR, *July 3, 1873.*

Respectfully presented to the President with the recommendation that he make the order above proposed by the Commissioner of Indian Affairs.

**W. H. SMITH**, *Acting Secretary.*

EXECUTIVE MANSION, *July 5, 1873.*

It is hereby ordered that the tract of country, above described, be withheld from entry and settlement as public lands, and that the same

[\[Page 856\]](#)

be set apart as a reservation for the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and other Indians, as recommended by the Secretary of the Interior and Commissioner of Indian Affairs.

U. S. GRANT.

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EXECUTIVE MANSION, *August 19, 1874.*

It is hereby ordered that all that tract of country, in Montana Territory, set apart by Executive order, dated July 5, 1873, and not embraced within the tract set apart by act of Congress,

approved April 15, 1874, for the use and occupation of the Gros Ventre, Piegan, Blood, Blackfeet, River Crow, and other Indians, comprised within the following boundaries, viz:

Commencing at a point on the south bank of the Missouri River, opposite the mouth of the Marias River; thence along the main channel of the Marias River to Birch Creek; thence up the main channel of Birch Creek to its source; thence west to the summit of the main chain of the Rocky Mountains; thence along said summit in a southerly direction to a point opposite the source of the Medicine or Sun River; thence easterly to said source, and down the south bank of said Medicine or Sun River to the south bank of the Missouri River; thence down the south bank of the Missouri River to the place of beginning, be, and the same is hereby, restored to the public domain.

**U. S. GRANT.**

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EXECUTIVE MANSION, *April 13, 1875.*

It is hereby ordered that the tract of country, in the Territory of Montana, lying within the following-described boundaries, viz:

Commencing at a point on the Musselshell River where the same is intersected by the forty-second parallel of north latitude; thence east with said parallel to the south bank of the Yellowstone River; thence down and with the south bank of said river to the south boundary of the military reservation at Fort Buford; thence west along the south boundary of said military reservation to its western boundary; thence north along said western boundary to the south bank of the Missouri River; thence up and with the south bank of said river to the mouth of the Musselshell River; thence up the middle of the main channel of said Musselshell River to the place of beginning, be, and the same hereby is, withdrawn from sale, and set apart as an addition to the present reservation for the Gros Ventre, Piegan, Blood, Blackfeet, and Crow Indians.

**U. S. GRANT.**

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EXECUTIVE MANSION, *July 13, 1880.*

It is hereby ordered that the tract of country in the Territory of Montana, being a portion of the tract of country which was set aside by Executive order of the 13th April, 1875, as an addition to the then existing reservation for the Gros Ventre, Piegan, Blood, Blackfeet, and Crow Indians, known as the Blackfeet Reservation, and lying within the following-described boundaries, viz: Beginning at a point where the south boundary of the Fort Buford military reserve intersects the right bank of the Yellowstone River; thence according to the true meridian west along the south boundary of said military reserve to its western boundary; thence continuing west to the right bank of the Missouri River; thence up and along said right bank, with the meanders thereof, to the middle of the main channel of the Mussel-

[\[Page 857\]](#)

shell River; thence up and along the middle of the main channel of the Musselshell River, with the meanders thereof, to its intersection with the forty-seventh parallel of north latitude, thence east along said parallel to its intersection with the right bank of the Yellowstone River; thence down and along said right bank, with the meanders thereof, to the place of beginning, be, and the same hereby is, restored to the public domain.

**R. B. HAYES.**

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*Crow Reserve.*

[Occupied by Mountain and River Crow; area, 5,475 square miles; established by treaty of May 7, 1868, and acts of April 11, 1882 (22 Stat., 42), July 10, 1882 (22 Stat., 157), March 3, 1891 (26 Stat., 1039), and agreement August 27, 1892. Report Commissioner of Indian Affairs, 1892, p. 748.]

EXECUTIVE MANSION, *October 20, 1875.*

It is hereby ordered that the tract of country, 20 miles in width, in the Territory of Montana, lying within the following-described boundaries, viz: Commencing at a point in the mid-channel of the Yellowstone River, where the one hundred and seventh degree of west longitude crosses the said river; thence up said mid-channel of the Yellowstone to the mouth of Big Timber Creek; thence up said creek 20 miles, if the said creek can be followed that distance; if not, then in the same direction continued from the source thereof to a point 20 miles from the mouth of said creek; thence eastwardly along a line parallel to the Yellowstone—no point of which shall be less than 20 miles from the river—to the one hundred and seventh degree west longitude; thence south to the place of beginning, be, and the same hereby is, withdrawn from sale and set apart for the use of the Crow tribe of Indians as an addition to their present reservation in said Territory, set apart in the second article of treaty of May 7, 1868 (Stat. at L., vol. 15, p. 650); provided that the same shall not interfere with the rights of any bona fide settlers who may have located on the tract of country herein described.

**U. S. GRANT.**

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EXECUTIVE MANSION, *March 8, 1876.*

By an Executive order dated October 20, 1875, the following-described tract of country, situated in Montana Territory, was withdrawn from public sale and set apart for the use of the Crow tribe of Indians in said Territory to be added to their reservation, viz:

“Commencing at a point in the mid-channel of the Yellowstone River, where the one hundred and seventh degree of west longitude crosses the said river; thence up said mid-channel of the Yellowstone to the mouth of Big Timber Creek; thence up said creek 20 miles, if the said creek can be followed that distance; if not, then in the same direction continued from the source thereof to a point 20 miles from the mouth of said creek; thence eastwardly along a line parallel to the Yellowstone—no point of which shall be less than 20 miles from the river—to the one hundred and seventh degree west longitude; thence south to the place of beginning.”

The said Executive order of October 20, 1875, above noted, is hereby revoked, and the tract of land therein described is again restored to the public domain.

**U. S. GRANT.**

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[\[Page 858\]](#)

WAR DEPARTMENT,  
*Washington City, November 27, 1886.*

SIR: Upon the recommendation of the Lieutenant-General commanding the Army, I have the honor to request that the following-described tracts of land, in the Territory of Montana, embraced within the limits of the Crow Indian Reservation, created by treaty dated May 7, 1868, Executive orders dated respectively October 20, 1875, and March 8, 1876, and act of Congress approved July 10, 1882, may be duly declared and set apart by the Executive for military purposes, in connection with the post of Fort Custer, viz:

1.—*Post reservation.*

Commencing at the center stone of the parade ground of Fort Custer, Mont., and running thence due south 3 miles to the place of beginning on the southern boundary; thence due east 3 miles; thence due north 6 miles; thence due west 6 miles; thence due south 6 miles; thence due east 3 miles to the place of beginning. Area: 36 square miles.

2.—*National cemetery of Custer's battle-field.*

*Reservation.*—Commencing at a point 1,200 feet north 35 degrees west of Custer's monument, and running thence north 35 degrees east 1,200 feet; thence south 35 degrees east 1 mile; thence south 55 degrees west to the right bank of the Little Big Horn River; thence along said right bank to the prolongation of the western boundary; thence along said prolongation to the place of beginning. Area: 1 square mile.

3.—*Limestone reservation, near old Fort C. F. Smith, Mont.*

Commencing at a point 1,772 feet due north and 700 feet due east of the site of the flag-staff of the old post of Fort C. F. Smith, and running thence due south 1 mile and 5,206 feet; thence due west 2 miles; thence due north 1 mile and 4,470 feet to midstream of the Big Horn River; thence down said midstream to its intersection with the prolongation of the eastern boundary; thence along said prolongation to the place of beginning. Area: 3.48 square miles.

Tracings of the proposed reservations are inclosed herewith.

It appears that about thirteen Indian families have received allotments of land within the limits of the proposed reservation for the post of Fort Custer (No. 1), and the Department of the Interior reports that, with the distinct understanding "that these thirteen families shall not be disturbed, but shall be allowed to remain where they are now located, and to retain their present allotments of land and be permitted the free and unrestricted enjoyment thereof, unless they shall voluntarily release or abandon the same," that Department will interpose no objection to the declaration of the proposed reservation as herein requested.

I have the honor to be, sir, with great respect, your obedient servant,

**WM. C. ENDICOTT,**  
*Secretary of War.*

**The PRESIDENT.**

EXECUTIVE MANSION,  
*Washington, December 7, 1886.*

The within request is approved and the reservations are made and proclaimed accordingly; *Provided*, That the thirteen Indian families herein referred to shall not be disturbed, but shall be allowed to remain where they are now located and to retain their present allotments of land, and be permitted the free and unrestricted enjoyment thereof unless they shall voluntarily release or abandon the same.

The Secretary of the Interior will cause the proper notation to be made in the General Land Office.

**GROVER CLEVELAND**

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[\[Page 859\]](#)

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***Fort Belknap Reserve.***

[Occupied by Grosventre and Assiniboin tribes; area, 840 square miles; established by treaty October 17, 1855, and by acts and Executive orders, for which see "Blackfeet Reserve."]

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***Fort Peck Reserve.***

[Occupied by Assiniboin, Brulé, Santee, Teton, Hunkpapa, and Yanktonai Sioux; area, 2,775 square miles; established by treaty, etc., see "Blackfeet Reserve."]

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***Jocko Reserve.***

[In Flathead Agency; area, 2,240 square miles; occupied by Bitter Root, Carlos Band, Flathead, Kutenai, Lower Kalispel, and Pend d'Oreille; established by treaty July 16, 1855.]

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***Judith Basin Reserve (Crow).***

EXECUTIVE MANSION, *January 31, 1874.*

It is hereby ordered that the following-described tract of country in the Territory of Montana, set apart as a reservation for the Crow tribe of Indians by the first article of an agreement concluded with the said Indians, August 16, 1873, subject to the action of Congress, be, and the same is hereby, withdrawn from sale and settlement, viz:

"Commencing at a point on the Missouri River opposite to the mouth of Shankin Creek; thence up the said creek to its head, and thence along the summit of the divide between the waters of Arrow and Judith Rivers and the waters entering the Missouri River, to a point opposite to the divide between the headwaters of the Judith River and the waters of the Muscle Shell River; thence along said divide to the Snowy Mountains, and along the summit of said Snowy Mountains, in a northeasterly direction, to a point nearest to the divide between the waters which run easterly to the Muscle Shell River and the waters running to the Judith River; thence northwardly along said divide to the divide between the headwaters of Armell's Creek and the headwaters of Dog River, and along said divide to the Missouri River; thence up the middle of said river to the place of beginning (the said boundaries being intended to include all the country drained by the Judith River, Arrow River, and Dog River)."

**U. S. GRANT.**

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EXECUTIVE MANSION, *March 25, 1875.*

By the first article of an agreement made by and between Felix R. Brunot, E. Whittlesey, and James Wright, commissioners on behalf of the United States, and the chiefs, headmen, and men representing the tribe of Crow Indians, under date of August 16, 1873, the following-described

tract of country was set apart, subject to ratification by Congress, as a reservation for the absolute and undisturbed use and occupation of the Indians herein named, viz: "Commencing at a point on the Missouri River opposite to the mouth of Shankin Creek, thence up the said creek to its head, and thence along the summit of the divide between the waters of Arrow and Judith Rivers and the waters entering the Missouri River, to a point opposite to the divide between the headwaters of the Judith River and the waters of the Muscle Shell River; thence along said divide to the Snowy Mountains, and along the summit of said Snowy Mountains in a northeasterly direction to a point nearest to the divide between the waters which run easterly to the

[\[Page 860\]](#)

Muscle Shell River and the waters running to the Judith River; thence northwardly along said divide to the divide between the headwaters of Armell's Creek and the headwaters of Dog River, and along said divide to the Missouri River; thence up the middle of said river to the place of beginning (the said boundaries being intended to include all the country drained by the Judith River, Arrow River, and Dog River)."

Pending its ratification by Congress, an order was issued January 31, 1874, withdrawing said tract of country from sale or settlement.

Inasmuch as these Indians have not removed to this country, and it is not probable that they will ever make it their home, and as Congress has not taken any decisive action on said agreement, it is ordered that the order of January 31, 1874, be, and hereby is, canceled, and said tract of country restored to the public domain.

**U. S. GRANT.**

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*Northern Cheyenne Reserve.*

[In Tongue River Agency; area, 765 square miles; established by Executive orders only.]

EXECUTIVE MANSION, *November 26, 1884.*

It is hereby ordered that the following-described country, lying within the boundaries of the Territory of Montana, viz: Beginning at the point on the one hundred and seventh meridian of west longitude (said meridian being the eastern boundary of the Crow Indian Reservation) where the southern 40-mile limits of the grant to the Northern Pacific Railroad Company intersects said one hundred and seventh meridian; thence south along said meridian to a point 30 miles south of the point where the Montana base line, when extended, will intersect said meridian; thence due east to a point 12 miles east of the Rosebud River; thence in a northerly and northeasterly direction, along a line parallel with said Rosebud River and 12 miles distant therefrom, to a point on the southern 40-mile limits of the grant to the Northern Pacific Railroad Company, 12 miles distant from said Rosebud River; thence westerly along the said southern limits and across the said Rosebud River to the place of beginning, be, and the same is hereby, withheld from sale and settlement, and set apart as a reservation for the use and occupation of the Northern Cheyenne Indians, now residing in the southern portion of Montana Territory, and such other Indians as the Secretary of the Interior may see fit to locate thereon: *Provided, however,* That any tract or tracts of land included within the foregoing described boundaries which have been located, resided upon, and improved by bona fide settlers, prior to the 1st day of October, 1884, to the amount to which such settlers might be entitled under the laws regulating the disposition of the public lands



of the United States, or to which valid rights have attached under said laws, are hereby excluded from the reservation hereby made.

**CHESTER A. ARTHUR.**

EXECUTIVE MANSION, *March 19, 1900.*

It is hereby ordered that the following-described tract of land lying in the State of Montana, the same being the tract described in Senate bill 2173, 56th Congress, 1st session, which tract includes the lands embraced in the boundaries set forth in Executive order issued November 26, 1884, relative to the Northern Cheyenne reserve, be, and the same is hereby, withdrawn from sale and settlement and set apart as a reservation for the permanent use and occupation of the Indians now occupying or belonging upon the Northern Cheyenne Reservation, which reservation shall be known as the Northern Cheyenne Indian Reservation. viz:

[\[Page 861\]](#)

Beginning at the point in the middle of the channel of Tongue River at its intersection with the southern forty-mile limits of the grant to the Northern Pacific Railroad Company; thence west on the said southern forty-mile limits to its intersection with the eastern boundary line of the Crow Indian Reservation; thence south on said boundary line to its intersection with the line dividing townships five and six south; thence east on said dividing line of townships five and six south; to its intersection with the line dividing ranges forty and forty-one east; thence north on said line dividing ranges forty and forty-one east to the line dividing townships four and five south; thence east on the line dividing townships four and five south to its intersection with Cook Creek; thence down Cook Creek to its confluence with Tongue River; thence down the middle of the channel of Tongue River to the place of beginning: *Provided, however,* That if upon the survey or resurvey of the boundary lines already established it shall be found that the main stream of Cook Creek on or near the range line between ranges forty and forty-one lies south of the line dividing townships four and five south, then in that case the line running north on the range line between ranges forty and forty-one shall extend north only to the intersection of said line with the main stream of Cook Creek, and thence down Cook Creek as hereinbefore provided: *Provided further,* That in the erection of the reservation boundary fence along said Cook Creek the same shall be so erected as to divide the waters as near as may be between the north and south sides thereof: *Provided further,* That certain tracts approximating sixty-five acres, lying west of Tongue River, in sections twenty-six and thirty-four south, of range forty-three east, owned by Joseph Scott, and the northeast quarter of section three in township three south, of range forty-four east, belonging to Saint Labra's Mission, and the south half of the northwest quarter of section ten in township two south, of range forty-four east, belonging to R. P. Colbert, and the south half of section seven, in township two south, range forty-four east, belonging to John Barringer, shall be excepted from and not included within the reservation boundaries named.

**WILLIAM MCKINLEY.**

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